

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

JUAN VILLALOBOS,

Plaintiff,

v.

**CAROLYN W. COLVIN, Acting
Commissioner of Social Security,**

Defendant.

No. 6:12-cv-01846-SU

OPINION AND ORDER

MOSMAN, J.,

Plaintiff Juan Villalobos filed a complaint [1] seeking review of the Commissioner of Social Security's final decision denying his application for disability insurance benefits and supplemental security income. Judge Sullivan recommended [14] that the Commissioner's decision be affirmed. Neither party filed objections.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. I am not bound by the recommendations of the magistrate judge; instead, I retain responsibility for making the final determination. I am required to review de novo those portions of the report or any specified findings or recommendations within it to which an objection is made. 28 U.S.C. § 636(b)(1). However, I am not required to review, de novo or

under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether objections have been filed, in either case I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1).

Upon review, I agree with Judge Sullivan's recommendation, and I ADOPT the F&R [14] as my own opinion.

IT IS SO ORDERED.

DATED this 9th day of January, 2014.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge